

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

HUGO PETER RUDINGER  
188 Highland Boulevard  
Berkeley 8, California

Claim No. RUM-30,326

Decision No. RUM-101

Under the International Claims Settlement  
Act of 1949, as amended

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on April 17, 1957, a certified copy of which was duly served upon the claimant. No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

JUL 24 1957

A. K. B.

dsB.

Whitney Gilliland *W. G.*

Henry S. Clay

COMMISSIONERS



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In the Matter of the Claim of

HUGO PETER RUDINGER  
188 Highland Boulevard  
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Claim No. RUM-30,326

Under the International Claims  
Settlement Act of 1949, as Amended.

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Decision No. RUM-101

PROPOSED DECISION

This is a claim by HUGO PETER RUDINGER under the provisions of Section 303 of the International Claims Settlement Act of 1949, as amended, against the Government of Rumania based on the failure of the Government of Rumania to pay compensation as required by articles 24 and 25 of the Treaty of Peace with Rumania. The claim is predicated upon an allegation that in August, 1940 when returning from Bucharest, Rumania, to the United States, claimant had to sell his household effects and belongings located in Bucharest, Rumania, at a very low price, and that such loss as he suffered arose out of World War II.

Article 24 of the treaty with Rumania provides in pertinent part as follows:

1. Insofar as Roumania has not already done so, Roumania shall restore all legal rights and interests in Roumania of the United Nations and their nationals as they existed on September 1, 1939, and shall return all property in Roumania, including ships of the United Nations and their nationals as it now exists.

\* \* \*

3. The Roumanian Government shall invalidate transfers involving property, rights and interests of any description belonging to United Nations nationals, where such transfers resulted from force or duress exerted by Axis Governments or their agencies during the war.



4. (a) The Roumanian Government shall be responsible for the restoration to complete good order of the property returned to United Nations nationals under paragraph 1 of this Article. In cases where property cannot be returned or where, as a result of the war, a United Nations national has suffered a loss by reason of injury or damage to property in Roumania, he shall receive from the Roumanian Government compensation in lei to the extent of two-thirds of the sum necessary, at the date of payment, to purchase similar property or to make good the loss suffered. In no event shall United Nations nationals receive less favourable treatment with respect to compensation than that accorded to Roumanian nationals.

Provisions of Article 25 are not of concern in this claim.

It is clear that under Article 24 of the Treaty the Government of Rumania is under a duty to restore rights and interests, and return property of which nationals of the United States have been deprived in consequence of certain acts related to World War II or to compensate where property in Rumania has been injured or damaged. That is not to say, however, that the Treaty of Peace with Rumania contemplated placing Rumania under an obligation to make good all losses suffered in transactions in Rumania during World War II to which United States nationals were parties. Quite to the contrary, where loss was suffered by a United States national as a result of a transaction during World War II the entry into which was a matter of discretion with the United States national in question, neither the Treaty of Peace nor any legal principle leads to the result of holding the Government of Rumania responsible for such loss.

In a letter to one Philip Clover, dated February 11, 1949 and marked as Exhibit I, the claimant gives his reasons for selling the personal property in question, as follows:

Realizing the enormous cost that would have been involved in moving these belongings to the United States, and realizing also that my future home in America would not be of such size as to permit the use of my European belongings, I sold the same in Roumania. Under the circumstances I obtained a very low price, and even that I was unable to get out of the country, so that a total loss was suffered.

In other words, claimant, according to his own statement, sold his belongings for a fraction of their real value because of the transportation



cost involved in moving personal property from Rumania to the United States, and also because he did not have any use for the personalty in his home in the United States. The mere fact that the disadvantageous sale of the personal property in question was made in an unfavorable market and the fortuitous circumstance that claimant did not choose to ship his personalty to the United States for economic and personal considerations, does not result in a claim against the Government of Rumania compensable under the provisions of the International Claims Settlement Act of 1949, as amended.

Accordingly, for the foregoing reasons this claim is denied.

*A. K. Beolo*

Dated at Washington, D. C.

APR 17 1957

FOR THE COMMISSION:

*Donald G. Benn*

Donald G. Benn, Director  
Balkan Claims Division